

HAMPTON ZONING BOARD OF ADJUSTMENT AMENDED MINUTES
Thursday, January 17, 2008

Members Present:

Bill O'Brien, Acting Chairman
Jack Lessard
Vic Lessard
Bryan Provencal
Matt Shaw

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Acting Chairman O'Brien called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Acting Chairman O'Brien introduced the members of the Board.

PETITION SESSION

01-08 The petition of Thomas & Marianne Torrisi for property located at 781 Ocean Boulevard seeking relief from Articles 1.3, 4.5.1 and 4.5.2 to allow replacement of existing dwelling, within the 35' height limit. This property is located at Map 211, Lot 90 in a RA zone.

Attorney John Ryan and Thomas Torrisi came forward. Attorney Ryan said that when they had come before the Board last December the decision was made to actually replace the entire building rather than just the rear part of the building. This seemed to make more sense. The application was resubmitted showing this change. This building has been a non-conforming building for many years. They propose to raise the existing house and rebuild with the addition of a garage. This garage addition will be entirely within the setbacks. Everything on the property will be within the height limitation. The foundation is adequate and an engineer's letter, so stating, was submitted for the record. The stairs will serve as the access to the first and second floors (later corrected as access to the first floor only). Attorney Ryan presented a floor plan, elevation plan and side elevations. The building will be in harmony with surrounding buildings. Attorney Ryan went through the five criteria and stated he felt they had been met.

Questions from the Board

Mr. Vic Lessard asked if the lot would be cleared except for the foundation. Attorney Ryan replied that was correct.

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Mr. Vic Lessard also asked if the location of the fence in the northwest corner was correct. Mr. Torrasi said that the fence belongs to his neighbors who placed it about 5 feet onto his property. He will replace this fence during reconstruction and set it at the property line.

Mr. Vic Lessard asked if the 35 foot height will be enough for the chimney. Mr. Torrasi said that his building contractor has said that this will be within the zone.

Mr. O'Brien said the old front stairs are still shown on the drawings. Mr. Torrasi said these stairs will be removed and not replaced. Mr. O'Brien asked if everything on the north side of the house (e.g., chain link fences, post fences, storage areas) would be coming out. Mr. Torrasi said that it would. Mr. O'Brien asked how much of a drip edge there would be. Mr. Torrasi said less than a foot.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Vic Lessard, seconded by Mr. Shaw, to grant Petition 01-08 subject to all the setbacks.

Mr. O'Brien asked the Board if the five criteria had been met. All members agreed they had.

VOTE: 5-0-0. Motion passed.

02-08 The petition of J.S.T. Properties for property located at 139 Ocean Boulevard seeking relief from Articles 1.3 as to 4.5.2 to re-do and extend the existing 2nd floor deck and relocate the existing awning to the leading edge of the deck to be 5 feet from the front property line in line with the existing deck sides, where the side setback requirement will not be met. This property is located at Map 287, Lot 42 in a BS zone.

Attorney Peter Saari of Casassa & Ryan and Mr. Jim Trainor of J.S.T. Properties came forward. Attorney Saari said Mr. Trainor is the owner of the hotel and he is renovating the entire building. He wants to do some work on the deck and this is the subject of this Petition. He is proposing to extend the second floor deck and the awning. Attorney Saari went through the five criteria and stated he felt they had been met.

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Questions from the Board

Mr. O'Brien asked if the existing fence is roughly the property line. Attorney Saari replied that it was. Mr. O'Brien asked if the awning would come closer than five feet to the front property line. Mr. Trainor said that it would not.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Vic Lessard, seconded by Mr. Jack Lessard, to grant Petition 02-08.

Mr. O'Brien asked the Board if the five criteria had been met. All members agreed they had.

VOTE: 5-0-0. Motion passed.

03-08 The petition of Michael Paolino for property located at 2 Fifth Street seeking relief from Articles 1.3 as to 4.5.1 to allow a second floor deck at the front of the building to remain and to relocate the non-conforming staircase on the west side of the building to the east side of the building to conform to the side setback requirements, and remove a set of steps encroaching into the setback on the west side of the property. This property is located at Map 210, Lot 22 in a RA zone.

Attorney Peter Saari and Michael Paolino came forward. Attorney Saari said this proposal is to allow a second floor deck at the front of the building to remain and to relocate the nonconforming staircase on the west side of the building to the east side of the building to conform to the side setback requirements and to remove a set of steps encroaching into the setback on the west side of the property. Mr. O'Brien expressed concern that this proposal is not substantially different from the last proposal that was denied by the Board. Mr. Vic Lessard then asked how this second floor deck was started without the approval of this Board. Mr. Paolino said that when he went to apply for the variance he was not sure where the setbacks were and took his measurements from the street pavement. Mr. Vic Lessard said that the town had all lots pinned when they were sold. Mr. Paolino said that he was aware of 4 pins. Mr. Paolino said the property line was much farther into the yard than he had thought. Mr. Vic Lessard said that the entire deck was encroaching.

Mr. Vic Lessard said he did not feel there was enough substantive change to hear this Petition.

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Moved by Mr. Jack Lessard, seconded by Mr. Vic Lessard, to not hear Petition 03-08 because it is not substantially different from what was previously submitted.

VOTE: 4-0-1 (Shaw). Motion passed.

04-08 The petition of Keir Family Entrepreneurs Inc. for properties located at 431 and 435 Ocean Boulevard seeking relief from Articles 4.1.1, 4.4, 8.2.1, 8.2.2, 8.2.3, 8.2.4, 8.2.5 and 8.2.6 to construct a 23 unit residential condominium on tax map 266 lots 27 and 47 which are to be combined. These properties are located at Map 266, Lots 47 and 27 in a BS zone.

Attorney Stephen Ells, Steve Keir, Joe Coronadi, Project Engineer, and Mike Whitchter from Whitchter Builders came forward.

Attorney Ells said this property is the current Riviera Motel. The home located to the rear is subject to an option which the Keirs hold. They propose to demolish all existing structures on both lots and merge into one. The project calls for 23 condominium units. Parking will be underneath the building and to the rear. No parking variances are needed. They are asking for a height variance to go to 56.5 feet. They have been in contact with the Hampton Beach Commission regarding the design. The proposed use and density levels are in keeping with the area. Attorney Ells submitted a letter from Preston Real Estate received by Mr. Keir saying the value of the surrounding properties would not be diminished.

Attorney Ells went over the five criteria and said he felt they had been met.

Questions from the Board

Mr. Provencal asked where the snow would go. Mr. Coronadi showed the area on the plan.

Comments from the Audience

George Siganos, 445 Ocean Blvd., came forward. He asked what the distance was between the north side of the building and the fence. Mr. O'Brien replied that it was 4.5 feet.

Morris O'Shea 445 Ocean Blvd., came forward. He said he was concerned about density. He said no buildings in the area were over three stories. This will be higher. He said the frontage does not conform to the master plan. Mr. O'Shea said he felt there could be a safety issue in case of a fire.

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Ben Cannavo, 445 Ocean Blvd., came forward. He said he was concerned about setbacks. He was advised that no setback relief was being sought.

Pat Botto, 445 Ocean Blvd., came forward. She said her main concern is going up 56.5 feet. This will result in the resident's next door losing their view. With a building that high, residents next door cannot sit out in the sun on their balconies.

Mr. Witcher responded that they could do a 50' high building but they and the Hampton Beach Commission would like to make the building look better. The extra feet will hide mechanicals on the flat roof that is 50' feet high ... the flat roof is not wanted by the Hampton Beach Commission. A discussion then ensued that the height of the building is 56.5 feet, the grade plane is one foot since the lot slopes 2 feet where the building is being placed, thus the building height would be 57.5 feet from grade plane to the highest point of the building, including parapet.

Bob Patterson, 445 Ocean Blvd., came forward. He said he was worried that this would devalue his property. He said he was concerned with snow and drainage. Attorney Ells said that Mr. Patterson's property value would probably be increased and that the condo association would be responsible for the snow issue. Mr. Witcher said that the drain will be built internally.

Maureen Patterson, 445 Ocean Blvd., came forward. She said the biggest issue is safety. She thinks she would feel very closed in looking at the proposed building.

Diane Beach, 445 Ocean Blvd., came forward. She said the size of the proposed building was a concern. There will also be more people and traffic.

Ed Judge, 445 Ocean Blvd., came forward. He said he was concerned in case of a fire. He asked how the firefighting equipment would enter the property. Attorney Ells said it would enter underneath the building or through the 445 Ocean Blvd. Parking lot.

Mr. Vic Lessard said the fire would be fought from within. The building will be sprinkled.

Mr. Vic Lessard said concerns about fire safety will be answered when this comes before the Planning Board.

Back to the Board

Mr. O'Brien asked why relief was being sought from 8.2.5. Attorney Ells said this is going to be a private road. The Town will never have to take responsibility for it.

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Attorney Ells further stated that they were not seeking relief from the second sentence relating to night lighting nor the dimensional parking space requirements; the only relief sought relates to construction standards for the driveway and parking lot.

Mr. Jack Lessard said he understood how the residents next door feel, but this is much better than a 50-unit condo-hotel.

Mr. Shaw read a letter from the Hampton Beach Commission proposing that this plan be adopted.

Mr. Schultz asked about trash (dumpster location and trash removal). Mr. Coronadi said that it is possible that a dumpster area may cause the loss of one parking space. However, they would still have the required 49 spaces.

Mr. Schultz then went on to state that this petition, if approved, has a long way to go. Consideration of back-up generators and their location as well as door swings need to be considered. Further detailed architectural, structural, fire protection (e.g., sprinkler system and non-combustible materials), life safety efforts are also required prior to approving the start of any construction. In addition, all National, State, and Local building codes must be met. Town department (police, fire, and public works) and State (Ocean Boulevard access) reviews will also be conducted and approval obtained prior to the start of any construction. Any resulting issues from the above reviews could impact and reduce the number of units to be built. It was further noted that a number of the concerns raised by the audience are addressed during the Planning Board and Conservation Commission review process that must also approve this petition.

Moved by Mr. Jack Lessard, seconded by Mr. Provencal, to grant Petition 04-08.

Mr. O'Brien asked the Board if the five criteria had been met. All members agreed they had.

VOTE: 5-0-0. Motion passed.

06-08 The petition of TRD Entertainment Co. LLC for property located at 81 Ocean Boulevard seeking relief from Articles 1.3 and 4.5.2 to extend existing 2nd floor balcony an additional 8' towards Ocean Boulevard and to reconstruct the existing stairs to the 2nd floor to meet code. This property is located at Map 293, Lot 23 in a BS zone.

Terry Daidone and Steve Wilson, General Contractor, came forward.

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Mr. Wilson said the existing stairs do not meet code. The proposal is to straighten the stairs. This would provide a cleaner visual line. The extension of the balcony would be consistent with the rest of the building. There is a pylon sign which would be removed. Mr. Wilson went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Vic Lessard asked where the sign would go. Mr. Wilson said there is ample opportunity to provide signage within the setbacks.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien said he wanted to make sure the front setback was being met. With the elimination of the platform and the straightening of the stairs, the stairs would extend over 2 feet into the setback. He asked if the stairs were being recessed more into the building in order to accommodate the extra length and to meet the setback requirement. Mr. Wilson said they were.

Moved by Mr. Provencal, seconded by Mr. Jack Lessard, to grant Petition 06-08.

Mr. O'Brien asked the Board if the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed.

BUSINESS SESSION

Adoption of Minutes – December 20, 2007

Moved by Mr. Jack Lessard, seconded by Mr. Shaw, to approve the Minutes of December 20, 2007 as amended.

VOTE: 5-0-0. Motion passed.

There being no further business, Mr. Jack Lessard **moved**, seconded by Mr. Shaw, that the meeting be adjourned.

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The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Joan Rice
Secretary